

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 4:19CR716
	:	
Plaintiff,	:	
	:	JUDGE PAMELA A. BARKER
-vs-	:	
	:	
REUBEN RANKIN,	:	<u>REUBEN RANKIN’S TRIAL BRIEF</u>
	:	
Defendant.	:	

I. Background

Reuben Rankin is charged with five counts: (1) assaulting a federal agent using a deadly or dangerous weapon, 18 U.S.C. § 111; (2) using, carrying, and discharging a firearm during and in relation to a crime of violence, 18 U.S.C. § 924(c); (3) possessing a firearm and ammunition after a felony conviction, 18 U.S.C. § 922(g)(1); (4) sex trafficking of a minor, 18 U.S.C. § 1591(a)(1); and (5) production of child pornography, 18 U.S.C. § 2251(a).

For his preliminary statement, Mr. Rankin states:

Mr. Rankin has pled not guilty to all the charges. Mr. Rankin is presumed innocent, and before he can be found guilty on any charge, the jury must find that the Government has proven each and every element of that crime beyond a reasonable doubt.

II. Stipulations

The parties are submitting stipulations by separate filing.

III. Governing Law/Jury Instructions

The parties have submitted joint proposed jury instructions. The parties disagree on four proposed instructions, and Mr. Rankin is submitting his position by separate filing. In short:

- (1) Self-Defense: The government's proposed instruction does not address a situation where the defendant does not know that another person is a law-enforcement officer. The U.S. Supreme Court has held that a person may lawfully defend himself against an officer's use of force when he does not know he or she is a law-enforcement officer. *See United States v. Feola*, 420 U.S. 671, 686 (1975) ("For example, where an officer fails to identify himself or his purpose, his conduct in certain circumstances might reasonably be interpreted as the unlawful use of force directed either at the defendant or his property."). Mr. Rankin's proposed instruction includes language adapted from the *Feola* Court's holding.
- (2) Coercion/Duress: The government has proposed that the Court instruct the jury on the coercion/duress defense. Mr. Rankin does not intend to pursue a coercion/duress defense. Instructing the jury on coercion/duress therefore would be unnecessary and confusing.
- (3) Justification: The government has proposed that the Court instruct the jury on the justification defense. Mr. Rankin does not intend to pursue a justification defense. Instructing the jury on justification therefore would be unnecessary and confusing.
- (4) Age of Victim Defined: The government has proposed that the Court instruct the jury on an alternative mens rea element of the sex-trafficking-of-a-minor offense: if "the defendant had a reasonable opportunity to observe the victim." The indictment does not charge the alternative element that the defendant had a reasonable opportunity to observe the victim. Instructing the jury on this uncharged element would therefore constructively amend the indictment. *See United States v. Davis*, 854 F.3d 601, 604-06 (9th Cir. 2017) (holding that

instructing the jury on “reasonable opportunity to observe” constructively amended the indictment); *United States v. Lockhart*, 844 F.3d 501, 516 (5th Cir. 2016) (same); *United States v. Curry*, 723 F. App’x 314, 320 n.1 (6th Cir. 2018) (citing *Lockhart* with approval).

IV. Voir Dire Questions

Mr. Rankin is submitting proposed voir dire questions by separate filing. In addition to the Court’s inquiry, Mr. Ranking requests that the Court ask those questions to the jury.

V. Evidentiary Issues

The government filed a motion in limine regarding certain potential evidentiary issues. *See* R. 61. Mr. Rankin filed a response. *See* R. 80. Those issues are addressed in full in the memoranda supporting and responding to the government’s motion.

Respectfully submitted,

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